UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA Richmond Division

CHAUNA CRAWLEY, et al.,)
Plaintiffs)
v.) Case No. 3:12cv252
CAVALRY PORTFOLIO SERVICES, LLC, et al.)
Defendants.)

MOTION TO DISMISS

Cavalry Portfolio Services, LLC, Cavalry Investments, LLC, Cavalry SPV I, LLC and Cavalry SPV II, LLC (collectively referred to as the "Defendants") move this Court to dismiss Counts Nine and Ten of the First Amended Complaint pursuant Rule 12(b)(6) of the Federal Rules of Civil Procedure for the reasons set forth in the accompanying memorandum of law.

WHEREFORE, the Defendants request this Court to dismiss Counts Nine and Ten of the First Amended Complaint with prejudice for failing to state a cause of action upon which relief can be granted.

CAVALRY PORTFOLIO SERVICES, LLC, et al.,

By Counsel

/s/ Mark R. Colombell

Mark R. Colombell, VSB No. 48183 Robert R. Musick, VSB No. 48601 ThompsonMcMullan, P.C. 100 Shockoe Slip, Third Floor Richmond, Virginia 23219 804.649.7545 804.780.1813 Fax

Email: mcolombell@t-mlaw.com Email: bmusick@t-mlaw.com Counsel for the Defendants

CERTIFICATE OF SERVICE

I certify that on August 14, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following counsel of record:

Matthew J. Erausquin, Esq.
Janelle E. Mason, Esq.
Consumer Litigation Associates, P.C.
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Email: matt@alalagal.agas

Email: <u>matt@clalegal.com</u> Email: <u>Janelle@clalegal.com</u>

Leonard Anthony Bennett, Esq. Consumer Litigation Associates 763 J Clyde Morris Boulevard, Suite 1A Newport News, VA 23601 Email: lenbennett@clalegal.com

/s/

Mark R. Colombell, Esq. (VSB #48183)

ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, Virginia 23219
Phone (804) 698-6251
Fax (804) 780-1813

Email: mealombell@t mlays com

Email: mcolombell@t-mlaw.com
Counsel for the Defendants